

**United States Department of the Interior
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021
Telephone: (602) 242-0210 FAX: (602) 242-2513**

AESO/FA

January 25, 2001

Ms. Cindy Lester
Chief, Regulatory Branch
U.S. Army Corps of Engineers
Attn: Marjorie Blaine
3636 North Central Avenue, Suite 760
Phoenix, Arizona 85012-1936

Dear Ms. Lester:

The Fish and Wildlife Service has received Public Notice 2000-01901-MB (PN) dated December 22, 2000, issued by the U.S. Army Corps of Engineers. The Bureau of Reclamation has submitted an application for Regional General Permit (RGP) 62 to conduct operations and maintenance activities along the Colorado River from Davis Dam to the Southerly International Boundary with Mexico (Mohave, La Paz, and Yuma Counties within Arizona and San Bernadino, Riverside, and Imperial Counties within California). On January 18 we coordinated with your agency to extend the comment period on the PN until January 29, 2001.

The PN describes a variety of activities that would be authorized under RGP 62 including bank stabilization, culverts and permeable structures, rock weirs, inlet and outlet channels, boat ramps, dredging, wash fan removal, and vegetation clearing. The PN also describes the Corps proposed coordination requirements and special permit conditions. We have reviewed the PN and submit the following comments for your consideration. These comments are provided under the authority of and in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended U.S.C. 661 et. seq.) (FWCA).

The PN states that a preliminary determination has been made that an environmental impact statement is not required for the proposed work and the Corps shall prepare an environmental assessment (EA) for this RGP to be maintained in the permanent file and upon which this decision to issue this RGP will be based. Considering the scope and magnitude of activities proposed to be authorized by this RGP and nature of the associated fish and wildlife resources, we are concerned that this action may result in substantial and unacceptable adverse impacts to aquatic resources of national importance. We request that the draft EA be submitted to our office and other appropriate parties for review and comment.

The PN states that as the lead Federal agency, Reclamation is responsible for documenting that all consultations in accordance with section 7 of the Endangered Species Act have been

completed. The PN further states that Reclamation anticipates that most of the proposed activities to be authorized under RGP 62 would be covered by the Service's April 30, 1997, Biological Opinion (BO) issued for Lower Colorado River Operations and Maintenance, Lake Mead to the Southerly International Border. Please note that not all of the activities described in the PN were addressed in the BO. For instance, the BO addressed the effects of repairing existing armored banks but did not address the stabilization of currently unprotected bank lines from 25 to 5,000 linear feet. Also, construction of culverts and permeable structures, wash fan removal, maintenance of inlet and outlet channels, vegetation clearing, and boat ramp installation were not covered in the April 30, 1997, BO.

The PN details information that must be provided to the Corps by the Bureau prior to commencement of any activity covered by this RGP. As written, this would include a mitigation plan in accordance with the Corps' "Habitat Mitigation and Monitoring Plan" format for any permanent impacts to the aquatic ecosystem.

The activities described in this PN are operation and maintenance of the Bureau's Lower Colorado River Front and Levee System, and subject to provisions of the Fish and Wildlife Coordination Act (FWCA). Accordingly, The Bureau has a responsibility to address impact analysis and mitigation, including avoidance, in coordination with the Arizona Game and Fish Department (AGFD) and our agency. Details for carrying out this responsibility need to be developed in accordance with existing agreements between the Service and Reclamation prior to, or perhaps in conjunction with the use of a RGP. This responsibility should be addressed in the Additional Project Information section of this PN, and included as a special condition for the permit.

In summary, based on the above issues and concerns, the Service recommends that RGP 62 not be issued until the following conditions are met:

- 1.) A draft EA for this proposed RGP will be provided to the Service and other appropriate parties for review and comment.
- 2.) Procedures for compliance with the FWCA by Reclamation in coordination with the Service and AGFD to cover these proposed activities will be addressed in the Additional Project Information section of this PN and included as a special condition for the permit.

We are available to work with you and Reclamation on the development and issuance of this RGP. If you have any questions or need more information, please contact Mike Martinez (x224) or Don Metz (x217).

Sincerely,

/s/ David L. Harlow
Field Supervisor

Ms. Cindy Lester

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cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES)
Regional Director, Bureau of Reclamation, Boulder City, NV
Regional Administrator, Environmental Protection Agency, San Francisco, CA
Supervisor, Project Evaluation Programs, Arizona Game and Fish Department, Phoenix, AZ

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